

TRIPURA



GAZETTE

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**PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.**

**STATE LEVEL SCRUTINY COMMITTEE
GOVERNMENT OF TRIPURA
DIRECTORATE OF TRIBAL WELFARE
GURKHABASTI, AGARTALA**

No.F.4(73)/TW/R.Cell/2023/1031-36

Dated, Agartala, 14 / 07/ 2023.

To
Sri Subrata Kairi,
S/O- Lt. Bhagaban Kairi
Asharambari, P.O + P.S-Champahour,
Khowai Sub-Division.

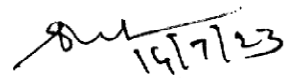
Subject :- Cancellation of ST certificate of Sri Subrata Kairi, S/O- Lt. Bhagaban Kairi
Asharambari, P.O + P.S-Champahour, Khowai Sub-Division.

Sir,

I am sending herewith a copy of the Order Sheet of State Level Scrutiny Committee dated, 12.07.2023 in connection with enquiry proceeding No.01 of 2020 relating to your ST certificate whereby the State Level Scrutiny Committee (SLSC) has cancelled your ST certificate bearing No.245/SDO/KH/TW/89 dated 19.05.1989.

You are hereby directed to surrender/submit original ST certificate hold by you to the Member-Secretary, State Level Scrutiny Committee (Director, Tribal Welfare Department), Govt. of Tripura, Gurkhabosti, Agartala **within 7(seven) days** from the date of receipt of this Order.

Yours faithfully,


(S.Prabhu, IFS)

Member Secretary

State Level Scrutiny Committee
(Director of Welfare for Sch. Tribes)
Government of Tripura

Enclo :- A copy of Order
dated 12.07.2023

**GOVERNMENT OF TRIPURA
ORDER SHEET**

FORUM: STATE LEVEL SCRUTINY COMMITTEE [CONSTITUTED AS PER PROVISION CONTAINED IN RULE 7A OF THE TRIPURA SCHEDULED CASTE AND SCHEDULED TRIBES RESERVATION RULES, 1992 (AS AMENDED)]

State of Tripura

(Director, Welfare of Sch. Tribes, Govt. of Tripura) ----- Prosecution

VERSUS

Sri Subrata Kairi

S/O. Lt. Bhagaban Kairi

of Asharam Bari Khowai,

----- Opposite Party

Counsel of the Prosecution:-

Mr. Promod Sahu, Ld. Advocate

Counsel of the Opposite Party:-

Mr. Sagat Datta, Ld. Advocate

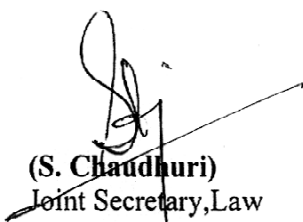
Sl. No.	DATE	FINAL ORDER	REMARKS
1	2	3	4
	12.07.2023	<p>The case was instituted on the basis of a complaint lodged by one Jiban Kumar Dasgupta of Agartala, alleging that the caste certificate of Sri Subrata Kairi, serving at TFDPC Limited is fake and he is enjoying the benefits of ST illegally. On receipt of the complaint, the Tribal Welfare Department referred it to the Vigilance Inquiry authority for inquiry and they submitted their report with the finding that Sri Subrata Kairi is not a member of a Schedule Tribe.</p> <p>The Sub-Divisional Magistrate, Khowai, being the certificate issuing authority, was also requested to conduct an inquiry against the caste status of Sri Subrata Kairi, son of Lt. Bhagaban Kairi of Asharam bari, Khowai and accordingly the Sub-division level Schedule Tribe Sub-Committee for Khowai Sub-Division, in their meeting held on 26.12.2019 come to the conclusion that Sri Subrata Kairi belongs to</p>	Page- 1 of 5.

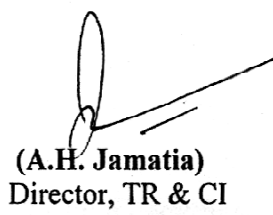
12.07.2023	<p>OBC, but not ST community.</p> <p>The Tribal Welfare Department itself conducted an inquiry to verify the genuinity of the ST certificate of Sri Subrata Kairi and the inquiry committee submitted its report to the Director, Tribal Welfare Department on 02.11.2020, with the finding that it was difficult to ascertain whether Sri Subrata Kairi actually belongs to Schedule Tribe or not.</p> <p>With all these negative findings against the OP, Sri Subrata Kairi, the case was referred to the SLSC for the final decision of the caste status of the OP.</p> <p>The committee examined all the records including vigilance inquiry report and decided to proceed for a detail inquiry, so as to provide equal opportunity to the opposite party, allowing him to adduce evidence to discard the allegations against him.</p> <p>During the preceding, the prosecution side produced two prosecution witnesses, namely the complainant, Sri Jiban Kumar Dasgupta as PW-1 and Sri Badal Datta, Inspector of Police, Inquiry Officer as PW-2. The opposite party also produced two witnesses namely the Opposite Party himself as DW-1 and Sri Debarata Kairi the brother of the OP, as DW-2.</p> <p>The committee had to decide the following points, to arrive at the conclusion in respect to the Schedule Tribe status of the OP Sri Subrata Kairi –</p> <ol style="list-style-type: none"> 1. Whether the vigilance inquiry was conducted following due procedure prescribed by the Hon'ble Supreme Court of India in Kumari Madhuri Patil case or not ? 2. Whether the surname 'Kairi' finds its place in the SCs and STs Order (Amendment) Act, 1976 and the notifications from time to time issued by the Department of Welfare of STs ? 3. Whether the ancestry of the OP supports Schedule Tribe status of the OP ? 4. Whether the Schedule Tribe certificate obtained by the OP is fake and by misrepresentation of fact and if so, whether it is liable to be cancelled and confiscated ? <p>The committee found that the Vigilance Inquiry officer, in the course of inquiry, has recorded the statement of as much as thirteen witnesses and has</p>	Page- 2 of 5.
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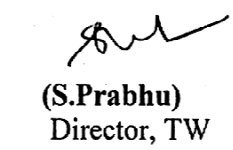
12.07.2023	<p>examined all relevant records. The OP could not find any lapses or any fault to discard the report of the Vigilance Inquiry.</p> <p>So, the committee is of the opinion that the vigilance inquiry was conducted perfectly.</p> <p>The committee has perused and examined the List of Schedule Tribes, issued time to time under the Schedule Tribes order and the surnames 'kairi' is not found in any of the lists. The surname 'Kaura', 'Koir', 'Kaur' etc. were found but nowhere the surname 'Kairi' was found. On the other hand the Director of Welfare of OBC, in their letter NO.F. 9-4/STET/OBC-Dir/2014/50-51, dated 07.04.2021 to the vigilance inquiry officer has informed 'Koiri' community is recognized as OBC in the State of Tripura with effect from 27th April, 1994 vide Notification NO.F.6-74/SCW/OBC/STET/94/10194-10350.</p> <p>From the official records of different departments, it is so ascertained that 'Kairi' does not find its place in any government documents as a recognized Schedule Tribe community in the State of Tripura.</p> <p>The father of the OP Lt. Bhagaban Kairi had obtained caste certificate on 30.04.1984 from the O/o SDO, Belonia and subsequently, on the strength of the caste certificate of his father, the OP of the case, Sri Subrata Kairi obtained caste certificate, wherein the surname of the certificate holder is rewritten by striking off the surname 'Kaur', which creates a smoke of doubt. It is clearly written down on the certificate of the OP, as well as his father that they, belong to the community 'Kaur'. But, it does not clear wherefrom the issuing authority of the caste certificates has construed that the community 'Kaur' is a recognized Schedule Tribe in the State of Tripura. It is also not clear how the issuing authority has categorized the surname 'Kairi' under the 'Kaur' community. Form the statements of the witnesses, recorded by the Vigilance Inquiry Officer it has been emerged that grandfather of the OP Lt Rambhajan Kairi had migrated to Sonair village of present Kamalpur Sub-Division about 200 years back as tea garden labourer from Uttar Pradesh and settled down there. In the course of time, the father of the OP obtained the Schedule Tribes certificate from the</p>	Page- 3 of 5.
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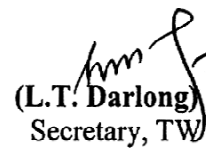
12.07.2023	<p>then SDO Office, Belonia and subsequently showing the ST certificate of his father the OP has obtained the ST certificate from the O/o SDM, Khowai. There are about 300 such 'Kairi' in that particular vicinity, but except the father of the OP none of those 'Koiri' has obtained the ST certificate. Rather some of them had obtained SC certificate and others obtained OBC certificate.</p> <p>From the above, it is clear that ancestry of the OP and the other substantial evidence do not support the Schedule Tribe status of the OP.</p> <p>Since all the above points are decided against the Schedule tribe status of the OP, it is obvious that the Schedule Tribes certificate obtained by the OP was obtained by misrepresentation of fact and hence it is liable to be cancelled and confiscated.</p> <p>In view of the above findings of the committee and from the oral testimony of all the witnesses, the inquiry report of the Sub-Divisional committee, the Vigilance Inquiry report and from the other relevant records including Schedule Castes and Schedule Tribes Orders (Amendment) Act, 1976, the SCs & STs Lists (Modifications) issued time to time and the Notification issued by the Government of Tripura, Department of Welfare in Schedule Tribes, the committee comes to the conclusion that-</p> <p>The OP failed to disprove the accusation against him to the effect that he does not belong to Schedule Tribe community. On the other hand the prosecution has satisfactorily proved that the OP Sri Subrata Kairi does not belong to the recognized Schedule Tribe community in the State of Tripura and as such the Schedule Tribe certificate obtained by him is a fake one. The ST certificate of the OP bearing No. 245/SDO/KH/TW/89 dated 19.05.1989 was fraudulently obtained and it is hereby cancelled and confiscated. O.P Sri Subrata Kairi is hereby directed to return his original ST certificate to the office of the Director, Tribal Welfare Department within 7 (seven) days from the date of receipt of this order.</p> <p>Issue copy of the Order to the Certificate</p>	Page- 4 of 5.
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	12.07.2023	Issuing Authority for making an entry in the relevant register. Supply a copy of this order to the OP Sri Subrata Kairi, the complainant and also to the other concerned authorities.	Page- 5 of 5.
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(S. Chaudhuri)
Joint Secretary, Law
Member
S.L.S.C.


(A.H. Jamatia)
Director, TR & CI
Member
S.L.S.C.


(S. Prabhu)
Director, TW
Member Secretary
S.L.S.C.


(L.T. Darlong)
Secretary, TW
Chairman
S.L.S.C.